

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

April 10, 2012

In the Matter of WALKER/HOPKINS, Minors.

No. 304649

Wayne Circuit Court

Family Division

LC No. 09-488576

Before: MARKEY, P.J., and MURRAY and SHAPIRO, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to her two minor children under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination had been established by clear and convincing evidence or in determining that termination of respondent's parental rights was in the children's best interests. MCR 3.977(K); *In re Rood*, 483 Mich 73, 90-91; 763 NW2d 587 (2009). "A finding is 'clearly erroneous' [if] although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been made." *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989) (quotations and citation omitted).

The condition that led to adjudication was respondent's medical neglect of her older child, who suffered from spina bifida. The evidence established that respondent did not catheterize the child regularly as required, did not take the child to necessary medical appointments, and did not take advantage of free transportation to appointments because she lacked a telephone. Respondent also left her younger child with her boyfriend and mother, who both used drugs, and did not seem to understand that they were inappropriate caregivers. At the time of the termination hearing, respondent still did not have a reliable method of communicating with her foster care worker or therapist, and she missed her own therapy appointments although the therapist came to her home. Respondent complied with some aspects of her parent-agency agreement, but she had not benefited from these services. After two years of services, it did not appear that respondent had any means of supporting herself at the time of the termination hearing. The foster care worker did not even know where respondent was living and could not confirm that respondent had working utilities. Respondent had made no progress toward obtaining a GED or finding employment and was repeatedly terminated from Work First for failure to comply with its requirements. Because respondent made very little progress toward demonstrating an ability to provide proper care and custody for her children, the trial court did

not err is deciding that there was no reasonable likelihood that she would be able to provide proper care and custody for her children within a reasonable time. MCL 712A.19b(3)(g). She had exposed her children to dangerous situations, had not benefited from services, and there was a reasonable likelihood the children would be harmed if returned to her care. MCL 712A.19b(3)(j).

Termination of respondent's parental rights was also in the children's best interests. MCL 712A.19b(5). The children had been in foster care for nearly two years, and respondent made very little progress with her treatment plan. Respondent was unlikely to be able to care for a special needs child even in the distant future, and the foster parent, with whom the children were thriving, was interested in adopting both children. The trial court's findings in this regard were not clearly erroneous.

Affirmed.

/s/ Jane E. Markey
/s/ Christopher M. Murray
/s/ Douglas B. Shapiro